

Note to users:

The form to be used follows. It is divided into seven sections: 1. Instructions to bidders; 2. Definitions; 3. Bid submission requirements; 4. Award of Contract; 5. Work specifications; 6. Bidding documents; and 7. Contract documents. It also includes a cover page and two attachments: 1. Mandatory affirmative action contract language; and 2. Form for providing municipal specific data.

For your convenience a table of contents for the uniform bid specifications follows. It should not be included in the bid package given to prospective bidders.

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Attachment #1 Procurement and Service Contract - Mandatory Language

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APPENDIX A

Appendix A: Wording of the Uniform Bid Specifications

(a) The requirements concerning the wording of the uniform bid specifications are as follows:

1. All requests for bid proposals for municipal solid waste collection services shall conform to the form contained herein, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted; and

2. The forms provided are mandatory, all other forms shall be provided by the contracting unit in accordance with the provisions of this subchapter.

[CONTRACTING UNIT]
UNIFORM BID SPECIFICATIONS

SOLID WASTE
[AND RECYCLABLE MATERIALS]
COLLECTION SERVICE

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1. INSTRUCTIONS TO BIDDERS

1.1 THE BID

The [CONTRACTING UNIT] is soliciting bid proposals from solid waste collectors interested in providing solid waste collection and/or disposal services for a period of [] year(s), to commence on [MONTH, DAY, YEAR] and ending on [MONTH, DAY, YEAR], in accordance with the terms of these Bid Specifications and N.J.A.C. 7:26H-6 et seq.

1.2 CHANGES TO THE BID SPECIFICATIONS

Notice of revisions or addenda to advertisements or bid documents relating to bids will, no later than five days, Saturdays, Sundays and holidays excepted, prior to the date for acceptance of bids, be published in the [NAME OF LEGAL NEWSPAPER CIRCULATING IN THE COUNTY OR MUNICIPALITY], and in the [NAME OF NEWSPAPER OF GENERAL CIRCULATION PUBLISHED IN THE STATE].

1.3 BID OPENING

All bid proposals will be publicly opened and read by the [TITLE OF OFFICIAL] at [IDENTIFY THE TIME AND PLACE INDICATED IN THE ADVERTISED NOTICE TO BIDDERS]. Bids must be delivered by hand or by mail to the [TITLE OF OFFICIAL] no later than [TIME AND DATE]. All bid proposals will be date and time stamped upon receipt. Bidder is solely responsible for the timely delivery of the bid proposal and no bids shall be considered which are presented after the public call for receiving bids. Any Bid Proposal received after the date and time specified will be returned, unopened, to the bidder.

1.4 DOCUMENTS TO BE SUBMITTED

The following documents shall be submitted by every bidder at the time and date specified in the public notice to prospective bidders:

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1. Certified photo-copies of bidder's certificate of public convenience and necessity and an approval letter issued in conformance with N.J.S.A. 13:1E-126;

2. Questionnaire setting forth experience and qualifications;

3. Bid Guarantee in the form of a bid bond, certified check or cashier's check in the amount of 10% of the total amount of the bid proposal, not to exceed \$20,000; payable to the [GOVERNING BODY];

4. Non-collusion affidavit;

5. Stockholder statement of ownership;

6. Certificate of surety; and

7. Bid Proposal.

All of the foregoing shall be submitted in accordance with the instructions hereinafter contained. The division of the Bid Specifications into parts is merely for convenience and ready reference; all parts of the Bid Specifications constitute a single document.

2. DEFINITIONS

"Bid proposal" means all documents, proposal forms, affidavits, certificates, statements required to be submitted by the bidder at the time of the bid opening.

"Bid guarantee" means the bid bond, cashier's check or certified check submitted as part of the bid proposal, payable to the contracting unit, ensuring that the successful bidder will enter into a contract. "Bid specifications" means all documents requesting bid proposals for municipal solid waste collection services contained herein.

"Certificate of insurance" means a document showing that an insurance policy has been written and includes a statement of the coverage of the policy.

"Collection site" means the location of waste containers on collection

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day.

"Collection source" means a generator of designated collected solid waste to whom service will be provided under the contract.

"Consent of surety" means a promissory note guaranteeing that if the contract is awarded, the surety will provide a performance bond.

"Contract" means the written agreement executed by and between the successful bidder and the governing body and shall include the bid proposal, and the bid specifications.

"Contract administrator" is the person authorized by the contracting unit to procure and administer contracts for solid waste collection services.

"Contracting unit" means a municipality or any board, commission, committee, authority or agency, and which has administrative jurisdiction over any district other than a school district, project, or facility, included or operating in whole or in part, within the territorial boundaries of any county or municipality which exercise unctions where are appropriate for the exercise by one or more units of local government, and which has statutory power to make purchases and enter into contracts or agreements for the performance of any work of the furnishing or hiring of any materials or supplies usually required, the costs or contract price of which is to be paid with or out of public funds.

"Contractor" means the lowest responsible bidder to whom award of the contract shall be made.

"Designated collected recyclable material" means [LIST DESIGNATED RECYCLABLE MATERIALS HERE AND IDENTIFY ORDINANCE OF THE GOVERNING BODY, IF APPLICABLE]

"Designated collected solid waste" means solid waste types [WASTE IDENTIFICATION NUMBER(S)]. Designated collected solid waste shall not consist of recyclable materials, hazardous waste, or solid animal and vegetable wastes

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collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such waste to swine on their own farms.

"Disposal facility" means those sites designated in the [DISTRICT] Solid Waste Management Plan for use by the [CONTRACTING UNIT].

[IDENTIFY NAME AND ADDRESS OF AUTHORIZED DISPOSAL FACILITY(S) THAT ACCEPT THE TYPES OF WASTE THAT WILL BE COLLECTED PURSUANT TO THE CONTRACT]

"Governing body" means the governing body of the municipality, when the contract or agreement is to be entered into by, or on behalf of a, municipality as further defined at N.J.A.C. 40A:11-2.

"Holiday" means a regularly scheduled collection day on which the authorized Disposal Facilities are closed, including:

[LIST HOLIDAYS ON WHICH THE DISPOSAL FACILITIES IDENTIFIED ABOVE AT SECTION I, PART J WILL BE CLOSED]

"Legal newspaper" means the [NAME OF THE NEWSPAPER SELECTED BY THE CONTRACTING UNIT FOR PUBLISHING OFFICIAL NOTICES AND ADVERTISEMENTS FOR BIDS].

"Proposal forms" mean those forms that must be used by all bidders to set forth the prices for services to be provided under the contract.

"Service Area" means the geographic area described in Section IV herein. The service area(s) is(are) as follows:

[DESCRIBE GEOGRAPHIC BOUNDARIES OF THE CONTRACTING UNIT OR OF INDIVIDUAL DISTRICTS IN THE CONTRACTING UNIT. MAPS IDENTIFYING THE SERVICE AREA SHOULD BE ATTACHED IF SUCH MAPS WILL CLARIFY THE SERVICE AREA]

"Surety" means a company that is duly certified to do business in the State of New Jersey and that is qualified to issue bonds in the amount and of the type and character required by these specifications.

3. BID SUBMISSION REQUIREMENTS

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3.1. BID PROPOSAL

A. Each document in the bid proposal must be properly completed in accordance with N.J.A.C. 7:26H-6.5. No bidder shall submit the requested information on any form other than those provided in these bid specifications.

B. Bid Proposals shall be hand delivered or mailed in a sealed envelope, and the name and address of the bidder and the name of the bid as set forth in the Public Advertisement for Bids must be written clearly on the outside of the sealed envelope. No bid proposal will be accepted past the date and time specified by the [CONTRACTING UNIT] in the advertisement for bids.

C. Each bidder shall sign, where applicable, all bid submissions as follows:

1. For a corporation, by a principal executive officer;
2. For a partnership or sole proprietorship, by a general partner or the proprietor respectively; or

3. A duly authorized representative if:

- a. The authorization is made in writing by a person described in sections 1 and 2 above; and

- b. The authorization specifies either an individual or a position having responsibility for the overall operation of the business.

D. The bid proposal contains option bids. The [GOVERNING BODY] may, at its discretion, award the contract to the bidder whose aggregate bid price for the chosen option, or any combination of options is the lowest responsible bidder; provided, however, the [GOVERNING BODY] shall not award the contract based on the bid price for separate options.

E. Any Bid Proposal that does not comply with the requirements of the bid specifications and N.J.A.C. 7:26H-6.1 et seq., shall be rejected as non-responsive.

3.2. BID GUARANTEES

A. A Bid Guarantee in the form of a Bid Bond, Cashier's Check or Certified Check, made payable to the [CONTRACTING UNIT] in the amount of 10% of the highest aggregate [NUMBER] year bid submitted, not to exceed twenty thousand dollars (\$20,000) must accompany each Bid Proposal. In the event that the bidder to whom the Contract is awarded fails to enter into the Contract in the manner and within the time required, the award to the bidder shall be rescinded and the bid guaranty shall become the property of the [CONTRACTING UNIT].

3.3. EXCEPTIONS TO THE BID SPECIFICATIONS

Any conditions, limitations, provisos, amendments, or other changes attached or added by the bidder to any of the provisions of these Bid Specifications or any changes made by the bidder on the Proposal Forms shall result in the rejection of the Bid Proposal by the [GOVERNING BODY].

3.4. "OR EQUAL" SUBSTITUTIONS

Whenever the Work Specifications identify a brand name, trade name or a manufacturer's name, this designation is used for classification or descriptive purposes only, and the bidder may substitute an equal product, subject to the approval of the [GOVERNING BODY].

3.5. COMPLIANCE

The bidder shall be familiar with and comply with all applicable local, state and federal laws and regulations in the submission of the Bid Proposal and, if the bidder is awarded the contract, in the performance of the contract.

3.6. CONFLICT OF INTEREST AND NON-COLLUSION

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Each bidder must execute and submit as part of the Bid Proposal a "Non-Collusion Affidavit" which at a minimum shall attest that:

A. The bidder has not entered into any agreement or participated in any collusion with any other person, corporate entity or government entity, or competitive bidding either alone or with any other person, corporate entity or government entity in connection with the above named project;

B. All statements made in the bid proposal are true and correct and made with the full knowledge that the contracting unit relies upon the truth of those statements in awarding the contract; and

C. No person or business is employed to solicit or secure the contract in exchange for a commission, percentage brokerage agreement or contingency fee unless such person possesses a Certificate of Public Convenience and Necessity and a License issued pursuant to N.J.A.C. 7:26-16 et seq.

3.7. NO ASSIGNMENT OF BID

The bidder may not assign, sell, transfer or otherwise dispose of the Bid or any portion thereof or any right or interest therein. This section is not intended to limit the ability of the successful bidder to assign or otherwise dispose of its duties and obligations under the contract provided that the [CONTRACTING UNIT] agrees to the assignment or other disposition. No such assignment or disposition shall become effective without the written approval of the New Jersey Department of Environmental Protection.

4. AWARD OF CONTRACT

4.1. GENERALLY

A. The [GOVERNING BODY] shall award the contract or reject all bids within the time specified in the invitation to bid, but in no case more than 60 days, except that the bids of any bidders who consent thereto may, at the request of the contracting unit, be held for consideration for such longer

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period as may be agreed. All bidders will be notified of the [GOVERNING BODY'S] decision, in writing, by certified mail.

B. The contract will be awarded to the bidder whose aggregate bid price for the selected option or options is the lowest responsible bid.

C. The [GOVERNING BODY] reserves the right to reject any bid not prepared and submitted in accordance with the provisions hereof, and to reject any or all bids. In the event that the [GOVERNING BODY] rejects all bids, the [CONTRACTING UNIT] shall publish a notice of re-bid no later than ten days, Saturdays, Sundays and holidays excepted, prior to the date for acceptance of bids.

4.2. NOTICE OF AWARD AND EXECUTION OF CONTRACT

Within fourteen calendar days of the award of the contract, the [CONTRACTING UNIT] shall notify the successful bidder in writing, at the address set forth in the Bid Proposal and such notice shall specify the place and time for delivery of the executed contract, the performance bond, the vehicle dedication affidavit and the appropriate affirmative action documentation. Failure to deliver the aforementioned documents as specified in the notice of award shall be cause for the [CONTRACTING UNIT] to declare the contractor non-responsive and to award the contract to the next lowest bidder.

4.3. RESPONSIBLE BIDDER

The [CONTRACTING UNIT] shall determine whether a bidder is "responsible" in accordance with N.J.S.A. 40A:11-6.1 and N.J.A.C. 7:26H-6.8. The Bid Proposal of any bidder that is deemed not to be "responsible" shall be rejected.

4.4. PERFORMANCE BOND

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A. For a one year contract, the successful bidder shall provide a one year performance bond issued by a Surety in an amount equal to no more than 100% of the award price. The successful bidder shall provide said performance bond [SPECIFY THE TIME AND PLACE FOR DELIVERY OF THE PERFORMANCE BOND; PROVIDED, HOWEVER, THAT THE TIME SPECIFIED SHALL BE PRIOR TO OR CONCURRENT WITH THE DELIVERY OF THE EXECUTED CONTRACT].

B. Failure to provide the required one year performance bond at the time and place specified by the [CONTRACTING UNIT] shall be cause for assessment of damages as a result thereof in accordance with Section G below.

In the event that the successful bidder fails to provide said performance bond, the [CONTRACTING UNIT] may award the contract to the next lowest responsible bidder or terminate the bid process and re-bid the collection services in accordance with N.J.A.C. 7:26H-6.7(d) and Section A above.

C. For a [FILL IN NUMBER OF YEARS] contract the successful bidder shall provide a performance bond issued by a Surety in an amount equal to no more than 100% of the annual value of the contract. The successful bidder shall provide said performance bond [SPECIFY THE TIME AND PLACE FOR DELIVERY OF THE PERFORMANCE BOND; PROVIDED, HOWEVER, THAT THE TIME SPECIFIED SHALL BE PRIOR TO OR CONCURRENT WITH THE DELIVERY OF THE EXECUTED CONTRACT]. The performance bond for each succeeding year shall be delivered to the [CONTRACTING UNIT] with proof of full payment of the premium one hundred twenty (120) days prior to the expiration of the current bond.

D. Failure to deliver a performance bond for any year of a multi-year, contract one hundred twenty (120) days prior to the termination of the current bond will constitute a breach of contract and will entitle the [GOVERNING BODY] to terminate the contract upon the expiration of the current bond. Notwithstanding termination pursuant to this section, the contractor is obligated to fully perform through the date of termination of the contract and damages shall be assessed in an amount to the costs incurred by the

[CONTRACTING UNIT] in re-bidding the contract.

4.5. AFFIRMATIVE ACTION REQUIREMENTS

A. If awarded a contract, the successful bidder will be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.

B. Within seven days after receipt of notification of the [GOVERNING BODY'S] intent to award any contract the contractor must submit one of the following to the contracting unit:

1. If the Contractor has a federal affirmative action plan approval which consists of a valid letter from the Office of Federal Contract Compliance Programs, the Contractor should submit a photo copy of its letter of approval.

2. If the Contractor has a certificate of employee information report, the Contractor shall submit a photo copy of the certificate.

3. If the Contractor has none of the above, the contracting unit shall provide the Contractor with an (A.A.302) affirmative action employee information report.

C. If the Contractor does not submit the affirmative action document within the required time period the [CONTRACTING UNIT] may extend the deadline by a maximum of the fourteen calendar days. Failure to submit the affirmative action document by the fourteenth calendar day shall be cause for the [CONTRACTING UNIT] to declare the Contractor to be non-responsive and to award the contract to the next lowest bidder.

4.6. VEHICLE DEDICATION AFFIDAVIT

The Contractor shall execute and submit at the time and place specified in the award notice a vehicle dedication affidavit which at a minimum shall attest that: The successful bidder will dedicate a fixed number of vehicles, reasonably calculated to meet the requirements of these bid specifications; or

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to the extent that dedication of a fixed number of vehicles is not feasible, the Contractor shall covenant that the [CONTRACTING UNIT] will only be accountable for its proportional share of the waste contained in the collection vehicle and shall be assessed charges based only on its share of the waste at the time of disposal.

4.7. ERRORS IN PRICE CALCULATION

Any discrepancy between a numerical price and a price written in words shall be resolved in favor of the price as written in words. Any discrepancy between the unit price multiplied by the quantity and a corresponding total price figure set forth in the Proposal Forms(s) shall be resolved in favor of a total price reached by multiplying the unit price by the quantity. The corrected total shall be used to determine the award of the contract. After all Bid Proposals have been read, the bids will be tabulated and adjusted, if necessary, in accordance with this paragraph. If any mathematical corrections must be made on any bid proposal, then the [GOVERNING BODY] may not award a contract until all tabulations are complete.

5. WORK SPECIFICATIONS

[THE NUMBER OF COLLECTION OPTIONS THAT MAY BE LISTED IN THE WORK SPECIFICATIONS IS UNLIMITED. EACH COLLECTION OPTION SHALL BE CONSECUTIVELY NUMBERED AND SHALL SPECIFY EACH SERVICE THAT MUST BE BID AS PART OF THAT OPTION. BE SPECIFIC. IF THE SERVICE AREA IS DIVIDED INTO ZONES, SPECIFY THE DAYS AND THE COLLECTION SERVICES TO BE PROVIDED TO EACH ZONE. IF RECYCLABLE MATERIALS WILL BE BID AS PART OF THE SOLID WASTE COLLECTION CONTRACT, THE SERVICE MAY BE DESCRIBED HEREIN.]

5.1.

The Contractor shall provide service for each Option awarded by the
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[GOVERNING BODY]. The [GOVERNING BODY] shall select one collection Option for the contract period of [NUMBER OF MONTHS/YEARS] in accordance with any of the option proposals submitted.

5.2.

The Contractor shall provide collection, removal and disposal from within the territorial and geographical boundaries of the [CONTRACTING UNIT] as described below:

5.3. COLLECTION OPTIONS

OPTION #1 [DESCRIPTION]

The following materials shall be collected on [DAY(S) OF WEEK]. The Contractor may request the collection day to be changed with approval by the [CONTRACTING UNIT].

[LIST AND DESCRIBE THOSE SOLID WASTE COLLECTION SERVICES THAT ARE TO COMPRISE PROPOSAL OPTION #1; SPECIFY THE TYPE(S) OF WASTE TO BE COLLECTED AND THE SOURCE.]

OPTION #2 [DESCRIPTION]

The following materials shall be collected on [DAY(S) OF WEEK]. The Contractor may request the collection day to be changed with approval by the [CONTRACTING UNIT].

[LIST AND DESCRIBE THOSE SOLID WASTE COLLECTION SERVICES THAT ARE TO COMPRISE PROPOSAL OPTION #2; SPECIFY THE TYPE(S) OF WASTE TO BE COLLECTED AND THE SOURCE.]

OPTIONS 3 - [LIST ADDITIONAL COLLECTION OPTIONS AS NECESSARY.]

5.4. CONTAINERS

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[SPECIFY ANY CONTAINER REQUIREMENTS HERE]

5.5. COLLECTION SCHEDULE

A. All collection services, as described in these specifications, shall be performed on all designated days between [MORNING TIME] and [EVENING TIME].

B. The following legal holidays are exempted from the waste collection schedule:

[LIST ALL DAYS THAT ARE EXEMPTED FROM THE WASTE COLLECTION SCHEDULE;
ALSO SPECIFY HOW CUSTOMERS ARE TO BE NOTIFIED AND WHETHER OR NOT THERE
WILL BE AN ALTERNATE COLLECTION DAY OR DAYS SCHEDULED.]

5.6. SOLID WASTE DISPOSAL

A. All solid waste collected within the [CONTRACTING UNIT] shall be disposed of in accordance with the [COUNTY] Solid Waste Management Plan. For the term of this contract, all waste collected pursuant to the terms of the contract shall be disposed of at [AUTHORIZED DISPOSAL FACILITY, INCLUDE THE ADDRESS AND A PHONE NUMBER OF THE AUTHORIZED DISPOSAL FACILITY.]

B. The [CONTRACTING UNIT] reserves the right to designate another disposal facility [or, if applicable, disposal facilities] in accordance with the [COUNTY] Solid Waste Management Plan or in the event that the designated Disposal Facility [or, if applicable, Disposal Facilities] is unable to accept waste. The [CONTRACTING UNIT] will assume all additional costs or benefits that are associated with such designation.

5.7. VEHICLES AND EQUIPMENT

A. All vehicles shall be registered with, and conform to the requirements of the New Jersey Department of Environmental Protection, in accordance with N.J.A.C. 7:26-3.1 et seq.

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B. All collection trucks shall be compaction types, completely enclosed and water tight. Subject to the prior approval of the Contract Administrator, the Contractor may employ equipment other than compaction type vehicles on streets whose width precludes the use of such vehicles. The Contractor shall specify whether the vehicles are side, front or rear loading.

C. All vehicles shall be maintained in good working order and shall be constructed, used and maintained so as to reduce unnecessary noise, spillage and odor. The Contract Administrator shall have the right to inspect all vehicles, at any time, during the term of this contract, and the Contractor shall comply with all reasonable requests relative to the maintenance and repair of said vehicles and other equipment used in the execution of the Contract. All vehicles shall be equipped with a broom and shovel.

D. The Contract Administrator may order any of the Contractor's vehicles used in performance of the contract out of service if the vehicle is not maintained in accordance with the requirements of these Work Specifications. In such event, the Contractor shall replace such vehicle, at its sole cost and expense, with a conforming vehicle satisfactory to the Contract Administrator.

5.8. NAME ON VEHICLES

The name, address and service phone number of the Contractor shall be placed clearly and distinctly on both sides of all vehicles used in connection with the collection services.

5.9. TELEPHONE FACILITIES AND EQUIPMENT

A. The Contractor must provide and maintain an office within reasonable proximity of the [CONTRACTING UNIT] with sufficient telephone lines to receive complaints or inquiries. The Contractor shall ensure that phone

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service is activated prior to the commencement of service.

B. Telephone service shall be maintained on all collection days, between the hours of [0:00AM] and [0:00PM]. The [CONTRACTING UNIT] shall list the Contractor's telephone number in the Telephone directory along with other listings for the [CONTRACTING UNIT].

5.10. FAILURE TO COLLECT

A. The Contractor shall report to the Contract Administrator, within one (1) hour of the start of the Collection Day, all cases in which severe weather conditions preclude collection. In the event of severe weather, the Contractor shall collect solid waste no later than the next regularly scheduled collection day. In those cases where collection is scheduled on a one collection per week basis, that collection will be made as soon as possible, but in no event later than the next scheduled collection day.

5.11. COMPLAINTS

A. The Contractor shall promptly and properly attend to all complaints of customers and all notices, directives and orders of the Contract Administrator. within twenty-four (24) hours of the receipt of same. The Contractor shall be required to maintain a log of all complaints received and the action taken to remedy the complaints. The Complaint log shall be available for inspection by the [CONTRACTING UNIT].

B. The Contractor shall submit a copy of all complaints received and the action taken to the [CONTRACTING UNIT]

5.12. SOLICITATION OF GRATUITIES

The Contractor shall ensure that no agent or employee shall solicit or receive gratuities of any kind for any of the work or services provided in connection with the contract. The Contractor shall be subject to the

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Liquidated Damage clause herein contained for breach hereof.

5.13. INVOICE AND PAYMENT PROCEDURE

A. The Contractor shall submit all invoices for collection and/or disposal services in accordance with the requirements of this section.

1. Within 30 days after the end of each calendar month during the term of the contract during which the Contractor provided services as provided in these Bid Specifications, the Contractor will submit an invoice to the [CONTRACTING UNIT] for the preceding calendar month (the "Billing Month").

2. Where the Contractor has paid the costs of disposal, the Contractor shall submit a separate invoice to the [CONTRACTING UNIT] for reimbursement.

B. The [CONTRACTING UNIT] shall pay all invoices within 30 days of receipt. The [CONTRACTING UNIT] will not be obligated to pay a defective invoice until the defect is cured by the Contractor. The [CONTRACTING UNIT] shall have 30 days from the date of receipt of the corrected invoice to make payment.

C. Invoices shall specify the number and type of vehicle used for collection in the contracting unit, the loads per truck, and the number of cubic yards and the tonnage of the material disposed of each day during the billing month. The tonnage for which the [CONTRACTING UNIT] shall be charged shall be the difference between the weight of the vehicle upon entering the disposal facility and the tare weight of the vehicle.

D. The Contractor shall submit an invoice setting forth the costs (including all taxes and surcharges) of disposal billed by or paid to the Disposal Facility. Where the Contractor has paid the costs of disposal, the [CONTRACTING UNIT] shall reimburse the Contractor for the actual quantity of waste disposed of based on the monthly submission of certified receipts from the Disposal Facility. The invoices shall specify the number and type of

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vehicle used for collection in the governing body; the number of cubic yards and the tonnage of the material disposed of each day during the billing month; and monthly receipts issued by the disposal facility showing:

1. the amount of the invoice;
2. the origin of the waste;
3. the truck license plate number;
4. the total quantity and weight of the waste; and
5. the authorized tipping rate plus all taxes and surcharges.

E. Where the [CONTRACTING UNIT] will pay the costs of disposal, the disposal facility shall bill the [CONTRACTING UNIT] directly for all costs (including taxes and surcharges).

5.14. COMPETENCE OF EMPLOYEES

The Contractor's employees must be competent in their work, and if any person employed shall appear incompetent or disorderly, the [CONTRACTING UNIT] shall notify the contractor and specify how the employee is incompetent or disorderly and the contractor shall take steps to correct and remedy the situation, including disciplinary action if necessary. Any employee who drives or will drive a vehicle in the course of the employee's employment pursuant to the contract must possess a valid New Jersey driver's license for the type of vehicle operated.

5.15. SUPERVISION OF EMPLOYEES

The Contractor shall employ a Superintendent or Foreman who shall have full authority to act for the Contractor. The Contractor shall notify the Contract Administrator, in writing, that a supervisor has been appointed. Such notification shall be given prior to beginning performance of the contract. The Contractor shall promptly notify the Contract Administrator, in

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writing, of any changes.

5.16. INSURANCE REQUIREMENTS

The Contractor shall take out and maintain in full force and effect at all times during the life of this Contract insurance in conformance with the requirements of N.J.A.C. 7:26H-6.19. The insurance policy shall name the [CONTRACTING UNIT] as an Additional Named insured indemnifying the [CONTRACTING UNIT] with respect to the Contractor's actions pursuant to the Contract.

5.17. CERTIFICATES

Upon notification by the [CONTRACTING UNIT], the lowest responsible bidder shall supply to the Contract Administrator, within five days of notification, a certificate of insurance as proof that the insurance policies required by these specifications are in full force and effect.

5.18. INDEMNIFICATION

The Contractor shall indemnify and hold harmless the [CONTRACTING UNIT] from and against all claims, damages, losses, and expenses including all reasonable expenses incurred by the [CONTRACTING UNIT] on any of the aforesaid claims that may result or arise directly or indirectly, from or by reason of the performance of the contract or from any act or omission by the Contractor, its agents, servants, employees or subcontractors and that results in any loss of life or property or in any injury or damage to persons or property.

6. BIDDING DOCUMENTS

6.1 BIDDING DOCUMENTS CHECKLIST

- _____ 6.2. Certified photo-copies of bidder's certificate of public convenience and necessity and an approval letter issued in conformance with N.J.S.A. 13:1E-126.
- _____ 6.3. Statement of bidder's qualifications, experience and financial ability.
- _____ 6.4. A bid guarantee in the form of a bid bond, certified check or cashier's check in the proper amount made payable to the [CONTRACTING UNIT].
- _____ 6.5. Stockholder statement of ownership.
- _____ 6.6. Non-collusion affidavit.
- _____ 6.7. Consent of surety.
- _____ 6.8. Proposal.

Name of Firm or Individual

Title

Signature

Date

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6.2 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY/A-901 APPROVAL LETTER

Name _____

Complete Address _____

Telephone Number _____

Certificate Number

Date _____

ATTACH AN ORIGINAL COPY OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
TOGETHER WITH AN ORIGINAL COPY OF A-901 APPROVAL LETTER

New Jersey Department of Environmental Protection
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AFFIDAVIT

STATE OF NEW JERSEY }

COUNTY OF } SS: [PROJECT NAME]

1. All of the answers set forth in the Questionnaire are true and each question is answered on the basis of my personal knowledge.

3. I understand and agree that the [CONTRACTING UNIT] will rely upon the information provided in the Questionnaire in determining the lowest, responsible bidder to be awarded the contract.

5. I do hereby authorize the [CONTRACTING UNIT], or any duly authorized representative thereof, to inquire about or to investigate the answer to any question provided in the Questionnaire, and I further authorize any person or organization that has knowledge of the facts supplied in such statement to furnish the [CONTRACTING UNIT] with any information necessary to verify the answers given.

Subscribed and sworn to before me this _____ day of _____ 1999.

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Note: A partnership must give firm name and signature of all partners. A corporation must give full corporate name and signature of official, and the corporate seal affixed.

QUESTIONNAIRE

This questionnaire must be filled out and submitted as part of the Bid Proposal for solid waste collection and disposal for the [CONTRACTING UNIT]. Failure to complete this form or to provide any of the information required herein shall result in rejection of the Bid Proposal.

Answers should be typewritten or printed neatly in black or blue ink. Answers must be legible. Any answer that is illegible or unreadable will be considered incomplete. If additional space is required, the bidder shall add additional sheets and identify clearly the question being answered.

1. How many years has the bidder been in business as a contractor under your present name?
2. List any other names under which the bidder, its partners or officers have conducted business in the past five years.
3. Has the bidder failed to perform any contract awarded to it by the [GOVERNING BODY] under its current or any past name in the past five years? If the answer is "Yes", state when, where and why. A complete explanation is required.
4. Has any officer or partner of the bidder's business ever failed to perform any contract that was awarded to him/her as an individual by the [GOVERNING BODY] in the past five years? If the answer is "Yes", state when, where and why. A complete explanation is required.
5. List all public entity contracts which the bidder or its partners is now performing or for which contracts have been signed, but work not begun. Give the name of the municipality or owner, the amount of the contract and the number of years the contract covers.
6. List the government solid waste collection and disposal services contract that the bidder has completed within the last five years. Give detailed answers to questions below relating to this subject.

(a) Name of contracting unit;

(b) Approximate population of contracting unit;

(c) Term of contract from to ;

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- (d) How were materials collected?
 - (e) Give location of disposal site or sites and methods used in the disposal of solid waste;
 - (f) Name and telephone number of Contract Administrator or some other official in charge of collection and disposal.
- 7. State all equipment owned by and/or available to the bidder for use in collection of the waste described in the work specifications. Include the make of each vehicle, the year of manufacture, the capacity, years of service, present condition and the type and size of the truck bodies.
 - 8. Where can this equipment described above be inspected?
 - 9. Identify all equipment that is not presently owned or leased by the bidder that will be necessary to perform the services in accordance with the work specifications.
 - 10. Describe how you will obtain such equipment if you are awarded the contract. If such equipment is to be leased, provide the name, address and phone number of the lessor. If the equipment is to be purchased, provide the name, address and phone number of the seller.
 - 11. If the equipment to be leased or purchased is not located at the address(s) given above in answer 9, identify where the equipment can be inspected.
 - 12. List the name and address of three credit or bank references.
 - 13. Supply the most recent annual Report, as required to be filed with the Department of Environmental Protection, and a financial statement for the most recent two year period (calendar or fiscal).
 - 14. Additional remarks.

6.4 BID GUARANTY

[FORM SUPPLIED BY
CONTRACTING UNIT]

6.5 STOCKHOLDER STATEMENT OF OWNERSHIP

**[FORM SUPPLIED BY
CONTRACTING UNIT]**

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6.6 NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY }

COUNTY OF } s.s.: [PROJECT NAME]

I, [NAME OF AFFIANT], of the City of _____ in the State (Commonwealth) of _____, being of full age and duly sworn according to law, on my oath depose and say that:

I am employed by the firm of [NAME OF BIDDER], the bidder submitting the Bid Proposal for the above named project, in the capacity of [TITLE OF AFFIANT], and I have executed the Bid Proposal with full authority to do so. Further, the bidder has not, directly or indirectly, entered into any agreement, participated in any collusion, or other wise take any action in restraint of free, competitive bidding in connection with the above named project. All statements contained in said Bid Proposal and in this affidavit are true and correct and made with full knowledge that the State of New Jersey and the [GOVERNING BODY] rely upon the truth of the statements contained in this affidavit and in said bid Proposal in awarding the contract for the said project.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage brokerage or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the [NAME OF BIDDER].

Name of Firm or Individual

Title

Signature

Date

Subscribed and sworn to before me this

_____ day of _____ 1999 _____.

Notary Public of

My Commission expires _____, 19____.

6.7 CONSENT OF SURETY

[FORM SUPPLIED BY
CONTRACTING UNIT]

6.8 PROPOSAL

Proposal for Solid Waste Collection beginning _____.

[NAME OF THE CONTRACTING UNIT]:

I or We _____

of _____

[COMPLETE ADDRESS]

[CITY, STATE, ZIP]

hereby agree to provide complete performance in accordance with the Contract and Specifications for the Prices listed on the Proposal Sheets.

NOTE:

Bidders are required to sign all Option Proposal sheets.

Bidders are invited to bid on all or any Option Proposal.

Signature

**Affix seal if
a corporation.**

Title

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6.8.1 PROPOSED OPTION #1 (proposal for one year)

The undersigned will contract to do all the work and furnish all the materials,, labor, equipment, etc. necessary to carry out the intent of these specifications with two collections in each and every week as described in Section 5 for the period COMMENCING JANUARY 1, 1997 AND TERMINATING DECEMBER 31, 1997. (BOTH DATES INCLUSIVE) for

	<u>Base Service</u>	<u>Alternate B Base Service</u>	<u>Alternate C</u>	<u>Alternate D</u>
Year 1	\$ _____	\$ _____	\$ _____	\$ _____
Year 2	\$ _____	\$ _____	\$ _____	\$ _____
Year 3	\$ _____	\$ _____	\$ _____	\$ _____
Year 4	\$ _____	\$ _____	\$ _____	\$ _____
Year 5	\$ _____	\$ _____	\$ _____	\$ _____
Total	\$ _____	\$ _____	\$ _____	\$ _____

Waste Directed to:

Pen Pac Inc., Totowa Transfer Station
Totowa Borough, Passaic County, New Jersey
Rate per ton \$107.23

Name of Firm or Individual

Title

Signature

Date

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6.8.2 PROPOSED OPTION #2 (proposal for three years)

The undersigned will contract to do all the work and furnish all the materials,, labor, equipment, etc. necessary to carry out the intent of these specifications with two collections in each and every week as described in Section 5 for the period COMMENCING JANUARY 1, 1997 AND TERMINATING DECEMBER 31, 1999. (BOTH DATES INCLUSIVE) for

	<u>Base Service</u>	<u>Alternate B Base Service</u>	<u>Alternate C</u>	<u>Alternate D</u>
Year 1	\$ _____	\$ _____	\$ _____	\$ _____
Year 2	\$ _____	\$ _____	\$ _____	\$ _____
Year 3	\$ _____	\$ _____	\$ _____	\$ _____
Year 4	\$ _____	\$ _____	\$ _____	\$ _____
Year 5	\$ _____	\$ _____	\$ _____	\$ _____
Total	\$ _____	\$ _____	\$ _____	\$ _____

Waste Directed to:

Pen Pac Inc., Totowa Transfer Station
Totowa Borough, Passaic County, New Jersey
Rate per ton \$107.23

Name of Firm or Individual

Title

Signature

Date

New Jersey Department of Environmental Protection
Division of Solid and Hazardous Waste
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6.8.3 PROPOSED OPTION #2 (proposal for five years)

The undersigned will contract to do all the work and furnish all the materials,, labor, equipment, etc. necessary to carry out the intent of these specifications with two collections in each and every week as described in Section 5 for the period COMMENCING JANUARY 1, 1997 AND TERMINATING DECEMBER 31, 2001. (BOTH DATES INCLUSIVE) for

	<u>Base Service</u>	<u>Alternate B Base Service</u>	<u>Alternate C</u>	<u>Alternate D</u>
Year 1	\$ _____	\$ _____	\$ _____	\$ _____
Year 2	\$ _____	\$ _____	\$ _____	\$ _____
Year 3	\$ _____	\$ _____	\$ _____	\$ _____
Year 4	\$ _____	\$ _____	\$ _____	\$ _____
Year 5	\$ _____	\$ _____	\$ _____	\$ _____
Total	\$ _____	\$ _____	\$ _____	\$ _____

Waste Directed to:

Pen Pac Inc., Totowa Transfer Station
Totowa Borough, Passaic County, New Jersey
Rate per ton \$107.23

Name of Firm or Individual

Title

Signature

Date

New Jersey Department of Environmental Protection
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7. CONTRACT DOCUMENTS

7.1. CONTRACT

[FORM SUPPLIED BY
CONTRACTING UNIT]

7.2. PERFORMANCE BOND

[FORM SUPPLIED BY
CONTRACTING UNIT]

AFFIDAVIT

STATE OF NEW JERSEY }

COUNTY OF } SS: [PROJECT NAME]

I, _____ [NAME OF AFFIANT] _____, am the
[IDENTIFY RELATIONSHIP TO BIDDER: OWNER, PARTNER, PRESIDENT, OR OTHER
CORPORATE OFFICER] _____ of the [NAME OF BIDDER] _____, and being duly sworn, I
depose and say:

All statements contained in this affidavit are true and correct and made
with full knowledge that the State of New Jersey and the [GOVERNING BODY] rely
upon the truth of the statements contained in this affidavit and in said Bid
Proposal in signing the contract for the said project.

At all times during the performance of the collection contract, I agree
to commit, for use only in the in the [CONTRACTING UNIT], the number of
collection vehicles reasonably calculated to ensure safe, adequate and proper
service. I further warrant that in the event that dedication of vehicles for
use only in the [CONTRACTING UNIT] is not feasible, that the [CONTRACTING
UNIT] will not be responsible for disposal costs for waste generated outside
the [CONTRACTING UNIT].

I also understand and agree that failure to comply with the
representations container herein shall be cause for breach of contract and
will entitle the [CONTRACTING UNIT] to damages arising therefrom.

_____ Name of Firm or Individual	_____ Title
_____ Signature	_____ Date

Subscribed and sworn to before me this

_____ day of _____ 1999_____.

Notary Public of

My Commission expires _____, 19__ .

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7.4. CERTIFICATE OF INSURANCE

**[FORM SUPPLIED BY
CONTRACTING UNIT]**

New Jersey Department of Environmental Protection
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STATE OF NEW JERSEY }
COUNTY OF } s.s.: [PROJECT NAME]

I am employed by the firm of [NAME OF BIDDER], the bidder submitting the Bid Proposal for the above named project, in the capacity of [TITLE OF AFFIANT], and I have executed the Bid Proposal with full authority to do so. Further, the bidder will comply with the provisions of Public Law 1975, Chapter 127, and shall require all subcontractors to comply with the provisions of Public Law 1975, Chapter 127.

Subscribed and sworn to before me this _____ day of _____ 1999 _____.

Notary Public of _____

My Commission expires _____,

ATTACHMENT #1

Procurement and Service Contract - Mandatory Language

P.L. 1975, C. 127 (N.J.A.C. 17:27)
MANDATORY AFFIRMATIVE ACTION LANGUAGE

PROCUREMENT, PROFESSIONAL AND SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation. The contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause;

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation;

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with the regulations promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to attempt in good faith to employ minority and female workers consistent with the applicable county employment goals prescribed by N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time or in accordance with a binding determination of the applicable county employment goals determined by the Affirmative Action Office pursuant to N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time.

The contractor or subcontractor agrees to inform in writing appropriate recruitment agencies in the area, including employment agencies, placement

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bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

The contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, and conform with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor and its subcontractors shall furnish such reports or other documents to the Affirmative Action Office as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Affirmative Action Office for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code (N.J.A.C. 17:27).

ATTACHMENT #2

[CONTRACTING UNIT] - [MONTH/YEAR] MUNICIPAL DATA

RESIDENTIAL SOURCES:

Single family	[NUMBER OF UNITS]
Multi-family	[NUMBER OF UNITS]
Apartment/Condominiums	[NUMBER OF UNITS]
[OTHER]	[NUMBER OF UNITS]

Total	[NUMBER OF UNITS]
-------	-------------------

Containers	[PROVIDE VOLUME OR WEIGHT LIMITS, TYPE, OTHER RELEVANT INFORMATION]
------------	---

COMMERCIAL SOURCES:

Total	[NUMBER OF UNITS]
-------	-------------------

Containers	[PROVIDE VOLUME OR WEIGHT LIMITS, TYPE, OTHER RELEVANT INFORMATION]
------------	---

INSTITUTIONAL SOURCES:

Schools	[NUMBER OF UNITS]
[OTHER]	[NUMBER OF UNITS]

Total	[NUMBER OF UNITS]
-------	-------------------

Containers	[PROVIDE VOLUME OR WEIGHT LIMITS, TYPE, OTHER RELEVANT INFORMATION]
------------	---

MUNICIPAL SOURCES:

Municipal buildings	[NUMBER OF UNITS]
Litter baskets	[NUMBER OF UNITS]
[OTHER]	[NUMBER OF UNITS]

Total	[NUMBER OF UNITS]
-------	-------------------

Containers	[PROVIDE VOLUME OR WEIGHT LIMITS, TYPE, OTHER RELEVANT INFORMATION]
------------	---

POPULATION: [DESCRIBE POPULATION AND POPULATION TRENDS FROM PAST 3 YEARS, PLUS ANY POPULATION PROJECTIONS FOR THE TERM OF THE CONTRACT. INCLUDE, WHERE NECESSARY, ANY SEASONAL FLUCTUATIONS.]

AREA: [IN SQUARE MILES]

TOTAL ROAD MILES: [APPROXIMATE NUMBER AND TYPE: STATE, COUNTY AND/OR LOCAL]

TONNAGE REPORT (199_ YEAR):

Solid Waste:	
Type 10	[TONS]
Type 13	[TONS]

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Type 23,25, & 27	[TONS]
Total	[TONS]
Recyclable Materials: (If included in the bid proposal)	